

**REMARKS****Summary of the Amendment**

Upon entry of the present amendment, claims 1, 2, 15, 21, 23, and 39 will have been amended, while claims 8, 9, 25, 27, 39, 41-44, and 52-54 will have been withdrawn from consideration as being directed to a non-elected species, and claim 19 has been canceled.

**Summary of the Official Action**

In the instant Office Action, the Examiner has objected to the drawings and claims 15 and 39, has rejected the pending claims over the art of record, and has made the restriction requirement final. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action, allowance of the present application, and rejoinder of the non-elected claims.

**Acknowledgement of Allowable Subject Matter**

Initially, Applicants note with appreciation the Examiner's indication that claims 21, 23, 24, and 26 would be allowable if rewritten in independent form.

**Acknowledgement of Cited Items**

Applicants note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed in the present application on October 23, 2003 by the return of the initialed and signed copy of the PTO-1449 Form accompanying the Information Disclosure Statement.

***Acknowledgement of Foreign Priority and Receipt of Certified Documents***

Applicants further note with appreciation the Examiner's acknowledgment of Applicant's claim for foreign priority under 35 U.S.C. § 119 and the receipt of the certified copy of the priority document in parent application no. 10/090,172.

***Drawing Objections***

The Examiner has objected to the drawings because the different materials, and the separately formed ventilation section and sealing section are not shown. Applicants respectfully traverse the objection.

More specifically, 35 U.S.C. 113 states in part that "applicant shall furnish a drawing where necessary for the understanding of the subject matter to be patented."

In this regard, Applicants assert that the specification sets forth that the ventilation section and sealing section can be formed as a single piece (see paragraph [0086]) or separate pieces (see paragraph [0010]). Applicants submit that the mere aspect of the invention directed to separate pieces need not be illustrated for the understanding of the subject matter to be patented. In this regard, the specification describes in detail both the ventilation section and the sealing section and moreover shows both components in their combined state. Applicants assert that additional views showing the separate parts is unnecessary to the understanding and as such the drawing objection is not appropriate.

Applicants further assert that the specification sets forth that the ventilation section and sealing section can be formed of the same materials (see paragraph [0086]) or different materials (see paragraph [0010]). Applicants submit that the mere use of multiple materials in the instant invention is not necessary for the understanding of the

subject matter to be patented. Moreover, if Applicants illustrate the various materials of the present invention, the drawings would not necessarily appear different from the present drawings.

### ***Claim Objections***

The Examiner has objected to claims 15 and 39 because of minor informalities. In this regard, Applicants have amended claims 5 and 39 to address the minor informalities of the ---ventilation section--- in claim 15, and the ---spacer--- of claim 39. However, Applicants traverse the objection to "a side facing" in claim 39. Applicants respectfully assert that "a side facing" is a distinct and different side facing than the previously recited side facing. Thus, Applicants submit that the "a side facing" as originally filed is proper and should not be objected to.

### ***Traversal of Rejection Under 35 U.S.C. § 102(b)***

#### **1. Over BÖCK**

Applicants traverse the rejection of claims 1-7, 10, 13-20, 22, 28-38, 40, and 45-51 under 35 U.S.C. § 102(b) as being anticipated by BÖCK (German Patent No. 197 51 283) [hereinafter "BÖCK"]. The Examiner asserts that BÖCK shows all of the features of the above-noted claims. Applicants traverse the Examiner's assertions.

Applicants' amended independent claim 1 recites, *inter alia*, at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear, in which said ventilation section is structured and arranged to form a gap with the moving surface that widens in the surface running direction, and *said sealing element is pivotally mounted at an end of*

*said ventilation section; and amended independent claim 15 recites, *inter alia*, at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear, and *said at least one sealing element being pivotably mounted at an end of said ventilation section* to pivot relative to the moving surface to position *said at least one sealing element* into an operating position.* Applicants submit that BÖCK does not anticipate the instant invention.

Applicants submit that BÖCK merely discloses a seal system 10 shown in figure 14, operating between zones S1, S2 of over pressure or under pressure at a moving surface 14. The BÖCK device has at least one seal unit 20 that is arranged against the moving surface 14. The seal 20 pivots between two defined swing positions and, in the end position, seals against the surface 14. The seal 20 swings on a pivot axis 24.

Contrary to the present invention, the BÖCK seal 20 swings on a pivot axis 24 that is located at the bottom-most portion of the sealing section and not the ventilation section. In the present invention, the sealing element is pivotally mounted at an end of the ventilation section. More specifically, claim 1 sets forth that, *inter alia*, *said sealing element is pivotally mounted at an end of said ventilation section;* and claim 15 sets forth, *inter alia*, *at least one sealing element being pivotably mounted at an end of said ventilation section.* Applicants assert that BÖCK does not disclose or even suggest the arrangement of the present invention.

Because the applied reference of BÖCK fails to disclose each and every element recited in the claims, Applicants submit that the Examiner has failed to establish an

adequate evidentiary basis to support a rejection of anticipation. Therefore, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(b).

Further, Applicants submit that claims 2 – 7, 10, 13, 14, 16 – 20, 22, 28 – 38, 40, and 45 – 51 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that BÖCK fails to anticipate, *inter alia*, wherein said sealing section adjoins said ventilation section as recited by claim 2; wherein said ventilation section is structured to continuously decrease in cross-section away from said sealing section as recited by claim 3; wherein the moving surface is arranged in a paper making machine as recited by claim 4; wherein said gap has a continuously increasing depth in the surface running direction as recited by claim 5; wherein said sealing section and said ventilation section are composed of a same material as recited by claim 6; wherein said sealing section and said ventilation section are formed as a single piece as recited by claim 7; wherein said ventilation section is composed of a porous sound-absorbing plastic as recited by claim 10; wherein said sealing element comprises a sealing strip as recited by claim 13; wherein said sealing strip extends transversely to the running direction as recited by claim 14; wherein said sealing section adjoins said ventilation section as recited by claim 16; wherein said moving surface is arranged within a paper making machine as recited by claim 17; wherein said sealing element is pivotable about an axis extending transversely to the running direction as recited by claim 18; wherein said sealing element is pivotally mounted in a region of an end located at said rear as recited by claim 20; further comprising a rocker bearing arranged pivotably mount said sealing

element as recited by claim 22; wherein said gap increases in the running direction as recited by claim 28; wherein said sealing element has a reducing thickness in the running direction as recited by claim 29; further comprising a pressure device coupled to said sealing element, wherein said sealing element is loadable into said operating position by said pressure device as recited by claim 30; wherein said pressure device comprises a pressure hose as recited by claim 31; further comprising a pressure device coupled to said sealing element, wherein said sealing element is permanently loadable into said operating position by said pressure device during operation as recited by claim 32; wherein said sealing element is held in said operating position by friction clamping as recited by claim 33; further comprising a pressure device coupled to said sealing element, wherein said sealing element positionally adjustable via said pressure device to compensate for wear of said sealing section as recited by claim 34; further comprising a pressure device coupled to said sealing element, wherein said sealing element chargeable via said pressure device in a region of said sealing section as recited by claim 35; further comprising a pressure device coupled to said sealing element, wherein said pressure device is arranged at a side of said sealing element remote from the moving surface as recited by claim 36; further comprising a pressure device coupled to said sealing element, wherein said sealing element comprises includes a lug extending in a pivot direction, said lug being chargeable via said pressure device as recited by claim 37; further comprising a pressure device coupled to said sealing element and a spacer, wherein a force transmission takes place from said pressure device onto said sealing element via said spacer as recited by claim 38; further comprising a guide structured and arranged to linearly guide said spacer as

recited by claim 40; wherein said sealing element comprises a sealing strip as recited by claim 45; wherein said sealing strip extends transversely to the running direction as recited by claim 46; further comprising a side sealing of at least one zone of underpressure or overpressure adjoining a rotating jacket of one of a suction roll, a blow roll and a moving band as recited by claim 47; wherein said sealing element comprises a sealing strip extending at least substantially over an entire length of said roll as recited by claim 48; sealing at least one inner zone of underpressure or overpressure adjoining an inner wall of a rotating jacket of one of a suction roll and a blow roll as recited by claim 49; being structured for sealing at least one outer zone of underpressure or overpressure adjoining an outer wall of a rotating jacket of one of a suction roll and a blow roll as recited by claim 50; and being structured and arranged between one of a suction box and a blow box and a rotating jacket of one of a suction roll, blow roll, and a moving band as recited by claim 51.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 7, 10, 13 – 20, 22, 28 – 38, 40, and 45 – 51 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

***Traversal of Rejection Under 35 U.S.C. § 103(a)***

1. Over BÖCK in view of KAWAMURA

Applicants traverse the rejection of claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over BÖCK in view of KAWAMURA et al. (U.S. Patent No. 4,295,654) [hereinafter "KAWAMURA"]. The Examiner asserts that BÖCK shows all of the features except for the claimed material. However, the Examiner asserts that such materials are shown in KAWAMURA, and that it would have been obvious to modify the

BÖCK to include the material of KAWAMURA Applicants traverse the Examiner's assertions.

As discussed above, Applicant's independent claim 1 recites, *inter alia*, at least one sealing element, positionable opposite the moving surface to form a front and a rear, with respect to a surface running direction, comprising a sealing section located at said front and a ventilation section located at said rear, in which said ventilation section is structured and arranged to form a gap with the moving surface that widens in the surface running direction, and *said sealing element is pivotally mounted at an end of said ventilation section.*

Applicants submit that no proper combination of the BÖCK and KAWAMURA renders unpatentable the instant invention.

KAWAMURA is directed to a seal for track linkage that is made of UHMW polyethylene. However, contrary to the present invention, KAWAMURA does not teach or suggest any of the structural features of the instant invention, nor any of the features noted above as deficient in BÖCK.

Contrary to the present invention, the BÖCK seal 20 swings on a pivot axis 24 that is located at the bottom-most portion of the sealing section and not the ventilation section. In the present invention, the sealing element is pivotally mounted at an end of the ventilation section. More specifically, claim 1 sets forth that, *inter alia*, said sealing element is *pivotally mounted at an end of said ventilation section.* Applicants assert that neither BÖCK nor KAWAMURA disclose or even suggest the arrangement of the present invention.

Because neither BÖCK nor KAWAMURA teaches or suggests the above-noted features of the invention, Applicants submit that no proper combination of these documents can render obvious the present invention.

Further, Applicants submit that claims 11 and 12 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that BÖCK and KAWAMURA fail to render unpatentable, *inter alia*, *wherein said sealing section is composed of at least one of rubber graphite, polyethylene, and thermosetting plastic as recited by claim 11; and wherein said polyethylene comprises thermoplastic UHMW and said thermosetting plastic comprises phenolic resin as recited by claim 12.*

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 11 and 12 under 35 U.S.C. § 103, and indicate that these claims are allowable.

***Rewritten Objected Claims Are Allowable***

Applicants have rewritten objected claims 21 and 23 into independent form and claims 24 and 26 remain dependent on now independent claims 21 and 23. Applicants respectfully assert that pending claims 21, 23, 24, and 26 are allowable at least for the reason that the Examiner has indicated that they contain allowable subject matter.

***Application is Allowable***

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and

103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

***Request for Rejoinder of Claims Directed to Non-Elected Subject Matter***

As independent claims 1 and 15, as currently amended, remain generic to non-elected species III, IV, and V, as identified by the Examiner in the Restriction Requirement, and as these claims have been shown to be allowable over the art of record, Applicants request rejoinder and consideration on the merits of claims 8, 9, 25, 27, 39, 41 – 44, and 52 – 54, which recite the subject matter of the non-elected species within the scope of independent claims 1 and 15, and an indication of the allowability of the same in next official communication.

***Authorization to Charge Deposit Account***

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

**CONCLUSION**

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of claims 1 – 54. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the

prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
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